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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,759	10/19/2004	Kari Pajukoski	059864.00981	4940

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EXAMINER	
NGUYEN, LEON VIET Q	
ART UNIT	**PAPER NUMBER**
2611	

NOTIFICATION DATE	DELIVERY MODE
10/01/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/511,759	**Applicant(s)** PAJUKOSKI, KARI	
	Examiner LEON-VIET Q. NGUYEN	**Art Unit** 2611	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: *19-21,29-34 and 36-38*.
   Claim(s) objected to: *1-18,22-28,35 and 39-41*.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/David C. Payne/
Supervisory Patent Examiner, Art Unit 2611

Regarding claims 39-41, applicant asserts that the specification adequately describes the computer readable medium as claimed (Remarks page 19).

Examiner agrees and the 112 first paragraph rejection and the objection are withdrawn.

Regarding claim 1, applicant asserts that Hiramatsu does not disclose using an original signal and a limiting signal to determine an error signal (Remarks page 24 third paragraph).

Examiner respectfully disagrees.

As cited on page 5 of the previous office action, the error signal is interpreted to be the output of 114 in fig. 4 of Hiramatsu. The inputs to 114 come from filters 110 and 111, which are interpreted to be the original signal, and envelope calculator 113, which is interpreted to be a limiting signal. The input to filters 110 and 111 come from transmission signals A-C indirectly and thus are interpreted to be used in calculating the error in 114.

Also regarding claim 1, applicant asserts that Takada does not disclose changing the sign of a limiting signal and subtracting it from the input signal (Remarks page 26).

Examiner respectfully disagrees.

Takada states that subtractor 65a subtracts the output of 64a from the input signal (¶0088), where the output of 64a has an input which is a sign reversed version of the input signal (¶0085). In effect, the error signal $eI(T) = rI(T) - (-rI(\tau-r) + -(rQ(\tau-r))$. It can be seen from the equation that the error signal includes the input signal $rI(T)$ and its sign reversed version $-rI(\tau-r)$.

Further regarding claim 1, applicant asserts that Hunton does not disclose taking the opposite sign of the difference signal to reduce the signal (Remarks page 26).

Examiner respectfully disagrees.

In the previous OA, Hunton was relied upon to teach generating a limited signal (S' in fig. 3) by reducing (combiner 130 in fig. 3. ¶0077 of applicant's published application states that a summer is used to perform reduction. The combiner is interpreted to perform the same function as a summer) an error signal (VC in fig. 3, ¶0024) filtered using the filter matched to a chip pulse waveform (matched correction filter 170 in fig. 3, ¶0024) from the signal (the output of delay 120 in fig. 3). Hnnton was not relied upon to teach taking the opposite sign of the difference signal to reduce the signal.

In response to applicant's argument, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Regarding claims 2, 3, 7 and 11, applicant asserts that cited prior art does not teach determining an error signal using the signal and the limiting signal by changing the limiting signal so as to be of an opposite sign and reducing from the signal (Remarks pages 30, 32, 34, and 37).

Examiner respectfully disagrees.

See the response to the rejection of claim 1 above.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).